

LEGAL ACTION REPORT

TUCSON POLICE AND FIRE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM BOARDS MEETING OF TUESDAY, OCTOBER 13, 2009 CITY OF TUCSON FINANCE DEPARTMENT CONFERENCE ROOM FIFTH FLOOR OF CITY HALL 255 W. ALAMEDA, TUCSON, AZ 9:01 A.M.

Mr. Walkup called the Police and Fire Board Meeting to order at 9:01 a.m.

1. ROLL CALL

Police Board Members:

Robert Walkup	- Chair	
Marion Pickens	- Member	
Mike Gurr	- Member	Absent/Excused
J. D. Kragnes	- Member	

1. ROLL CALL

Fire Board Members:

Robert Walkup	- Chair	
Marion Pickens	- Member	
Roger Tamietti	- Member	Absent/Excused
Brian Delfs	- Member	

2. POLICE CONSENT AGENDA: ITEMS A – G

A. MINUTES FOR APPROVAL – 09/08/09

B. PENSION PAYROLL – Deletion of Retirement Benefits for Linda Burkett in the amount of \$5,430.84 due to her death on 09/09/09. Addition of Normal Service Retirement for Karen Mast out of DROP in the amount of \$2,185.45. Addition of Permanent Accidental Disability Retirement for Sandra Sellers out of DROP in the amount of \$3,079.64.

- C. NORMAL SERVICE RETIREMENT
Karen Mast – Last day worked 09/24/09 – Pension effective 10/01/09
- D. PERMANENT ACCIDENTAL DISABILITY RETIREMENT
Sandra Sellers – Last day worked 09/29/09 – Pension effective 10/01/09
- E. DEFERRED RETIREMENT OPTION PLAN
Robert Shoun – Election to participate in the DROP 09/30/09
- F. EXPENDITURE STATEMENT IN THE AMOUNT OF \$500.00 FOR APPLICATION PHYSICAL for Patricia Tersey by Dr. Dennis Thrasher at Sunnyside Medcenter.
- G. RETAINER FEE OF \$400 PLUS COSTS-DAVID McEVOY, ATTORNEY

MOTION by Mr. Kragnes, seconded by Ms. Pickens that Police Board Items A – G are adopted and the appropriate action taken. Motion **CARRIED** by a roll call vote of 3-0. (Mr. Gurr absent/excused).

3. FIRE CONSENT AGENDA: ITEMS A – D

- A. MINUTES FOR APPROVAL – 09/08/09
- B. PENSION PAYROLL – No change
- C. DEFERRED RETIREMENT OPTION PLAN
Larry Delfs – Election to participate in the DROP 09/30/09
Mark Holmes – Election to participate in the DROP 09/30/09
Frank Profita – Election to participate in the DROP 09/30/09
- D. RETAINER FEE OF \$400 PLUS COSTS-DAVID McEVOY, ATTORNEY

MOTION by Mr. Delfs, seconded by Ms. Pickens that Fire Board Items A – D are adopted and the appropriate action taken. Motion **CARRIED** by a roll call vote of 3-0. (Mr. Tamietti absent/excused).

4. APPLICATION FOR DISABILITY PENSION EXECUTIVE SESSION - Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])

MOTION by Mr. Kragnes, seconded by Ms. Pickens to go into executive session. . Motion **CARRIED** unanimously.

There was an executive session from 9:05 a.m. to 9:19 a.m.

MOTION by Mr. Kragnes, seconded by Ms. Pickens to come out of executive session. . Motion **CARRIED** unanimously.

Police – Attachments

A. Patricia Tersey

B. Geraldine Ortiz

5. APPLICATION FOR DISABILITY RETIREMENT
Direction regarding Executive Session

Police

A. Patricia Tersey

MOTION by Mr. Kragnes, seconded by Ms. Pickens that based on the medical evidence provided and letter by Dr. Thrasher dated 9/23/09, the Board approve the application for Permanent Accidental Disability Retirement for Patricia Tersey to be effective upon separation from the Police Department. Motion **CARRIED** unanimously.

B. Geraldine Ortiz

MOTION by Mr. Kragnes, seconded by Ms. Pickens after review of the medical evidence to request that Geraldine Ortiz go to the Board Physician for a physical examination to determine if she is eligible for a Permanent Accidental Disability Retirement. Motion **CARRIED** unanimously.

6. CONSIDERATION OF RULE 17 – ANNUAL PHYSICAL
EXECUTIVE SESSION Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])

There was no executive session under this item.

Police – attachments

Davison, Carl DOH: 05/31/94 DOR: 10/27/99 LAST PHY: 10/16/01
Hippel, Stephen DOH: 05/13/92 DOR: 01/30/98 LAST PHY: 10/29/08
Parks, James DOH: 06/23/93 DOR: 11/29/07 Last PHY: 09/18/08

**7. CONSIDERATION OF RULE 17 – ANNUAL PHYSICAL
Board Direction Regarding Executive Session**

Police

Carl Davison
Stephen Hippel
James Parks

MOTION by Mr. Kragnes, seconded by Ms. Pickens that keeping with Board Policy, that the Board request that Stephen Hippel and James Parks have complied with Rule 17 and are not required to take a physical examination this year but will be reviewed in one year and Carl Davison be required take his annual physical this year. Motion **CARRIED** unanimously.

**8. COMPLIANCE WITH RULE 16 – ANNUAL PHYSICAL
EXECUTIVE SESSION Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])**

There was no executive session under this item.

Police

Timothy Petersen

**9. COMPLIANCE WITH RULE 16 – ANNUAL PHYSICAL
Board Direction Regarding Executive Session**

Police

Timothy Petersen

MOTION by Mr. Kragnes, seconded by Ms. Pickens that Mr. Timothy Petersen has complied with rule 17. There is sufficient evidence that he continues to be eligible for a Permanent Accidental Disability benefit based on the letter from Dr. Dennis Thrasher dated 09/30/09. Motion **CARRIED** unanimously.

10. RETIREMENT SEMINAR

Police & Fire - Attachment

Information only no action taken

11. FUND INFORMATION

Police & Fire

Information only no action taken

12. ADJOURNMENT

The next regular meeting of the Tucson Police and Fire Public Safety Personnel Retirement System Boards is scheduled for **9:00 A.M.** on **Tuesday, November 10, 2009**, in the Finance Department Conference Room, Fifth floor of City Hall, 255 W. Alameda, Tucson, AZ.

Fire

MOTION by Mr. Delfs, seconded by Ms. Pickens to adjourn. Motion **CARRIED** unanimously.

Police

MOTION by Mr. Kragnes, seconded by Ms. Pickens to adjourn. Motion **CARRIED** unanimously.